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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/534,433 03/23/2000		03/23/2000	David L. Patton	80521F-P	1516	
1333	7590	11/25/2002	•			
PATENT L			EXAMINER			
EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201				HENDERSOI	HENDERSON, MARK T	
				ART UNIT	PAPER NUMBER	
				3722		
				DATE MAILED: 11/25/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

•		S.M.				
	Application No.	Applicant(s)				
	09/534,433	PATTON, DAVID L.				
Office Action Summary	Examiner	Art Unit				
	Mark T Henderson	3722				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status						
1) Responsive to communication(s) filed on 17.5	September 2002 .					
2a)⊠ This action is <b>FINAL</b> . 2b)□ Thi	s action is non-final.					
3) Since this application is in condition for allowa	nce except for formal matters, p	prosecution as to the merits is				
closed in accordance with the practice under a Disposition of Claims		453 O.G. 213.				
4) Claim(s) <u>12,14,18-23,25 and 29-34</u> is/are pend						
4a) Of the above claim(s) is/are withdray	vn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) <u>12,14,18-23,25 and 29-34</u> is/are rejected.						
7) Claim(s) is/are objected to.	a ala atia a maguina ant					
8) Claim(s) are subject to restriction and/or Application Papers	r election requirement.					
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the	e drawing(s) be held in abeyance.	See 37 CFR 1.85(a).				
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12)☐ The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	ry (PTO-413) Paper No(s) Patent Application (PTO-152) ctionary pages .				

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# **DETAILED ACTION**

# **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXING of responses to Office Actions directly into the Group at (703)872-9302 (Official) and (703)872-9303 (for After Finals). This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 14 and 25 have been amended for further examination.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 12, 14, 18-23, 25, and 29-34 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Gasper et al.

Gasper et al discloses in Fig. 1 and 1A, a document (10, which could be considered a stamp or a sheet of stamps, as stated in Col. 5, lines 46-58) comprising a visible first indicia (12) identifying document (Col.5, lines 47-50), a second indicia (16) made using ink that can be seen when viewed under UV or infrared light (Col. 9, lines 19-24), not visible under normal viewing conditions (Col. 6, lines 15-23) and incapable of being scanned for reproduction (Col. 8, lines 63-67).

However, Gasper et al does not disclose a stamp comprising: a first indicia being a unique ID which identifies that said limited edition stamp is one out of a predetermined limited number; a third indicia for identifying the printer or location of where the stamp was printed, wherein the third indicia is not visible under normal viewing conditions, incapable of being scanned for reproduction, and wherein the ink can be viewed under UV or infrared light.

In regards to Claims 12, 19, 23 and 30, 34, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place any desirable indicia on the stamp document, since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms

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of patentability. *In re Gulack* 217 USPQ 401, (CAFC 1983). Also, in the present case, there appears to be no new or unobvious structural relationship between the printed matter and the substrate. Furthermore, the fact that the content of the printed matter placed on the substrate may render the device more unique by providing an individual with a "specific type of article" does not alter the functional relationship Mere support by the substrate (sheet) for the printed matter is not the kind of functional relationship necessary for patentability. The document of Gasper et al is capable of being a limited edition stamp depending on the indicia printed on the sheet.

In regards to Claims 19-22 and 30-33, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include as many types of indicia having characteristics as the "second indicia" as desired, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

## Response to Arguments

3. Applicant's arguments filed on September 17, 2002 have been fully considered but they are not persuasive.

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In regards to applicant's arguments that the prior art reference is not "directed to a stamp more or less to a limited edition stamp as taught and claimed by applicant" and that the prior art reference does not teach that the invention is not "visible under normal conditions, but is simply not readily observable", the examiner submits that Gasper does indeed teach a stamp in its broadest sense. Random House dictionary defines a "stamp" as "an official mark on a business or legal document...". In other words it is a document having indicia thereon or placed upon. Webster's Dictionary also defines "observable" as being "visible". Furthermore, the applicant must note that the examiner must rely on the applicant's disclosure to properly determine the meaning of terms ("not visible") used in the claims. An applicant is entitled to be his or her own lexicographer, and in many instances will provide an explicit definition for certain terms used in the claims. Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." If an applicant does not define a term in the specification, that term will be given its "common meaning" or its broadest reasonable interpretation consistent with the specification. In regards to the Gasper et al reference, something that is "not observable" means that it can not be seen, or is "not visible".

In conclusion Gasper et al teaches a document (stamp) which comprises first indicia being printed matter on a sheet and a second indicia (micro-dots) which is not capable of being scanned

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for reproduction (the micro-dots prohibit the document and indicia from being scanned) and is not visible under normal viewing conditions.

### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time 4. policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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# **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.

MTH

November 20, 2002

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

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# Webster's II

New College Dictionary



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# We Ne Die

# The W

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nin < ME stamyn < thread.] 1. Obs. A ed color of stammel ners. [ME stameten ruses or syllabic reprith a stammer. – stam′ mer∙er #.

nps. [ME stampen.] bring the foot down by or as if by thrustor cut out by appli mpress with a mark nently. 7. To affix a stamped them un ard. 2. To walk with 2. a. An implement ething to which it is 3. A mark, design, or oval, or completion

hw which i pit oi noise

4. A small piece of paper that is sold by a government for affixing to a ricle to be mailed: POSTACE STAMP. b. A similar piece of paper sued for a specific purpose < trading stamps > 5. An identifying or inarecterizing mark or impression. 6. Characteristic nature or quality. stam-pede (stam-ped') n. [Sp. estampida. uproar < Prov. < estamto stamp, of Germanic orig.] 1. A sudden headlong rush of startled minals. 2. A sudden headlong rush of a crowd of people. 3. A precipious mass movement. — v. -pcd-ed, -pcd-ing, -pcdes. — vt. 1. To cause (animals) to move in a headlong rush. 2. To cause (a group of cople) to act on a single, common impulse. -vi. 1. To move in a collog rush. 2. To act on a single, common impulse. -stamped'er n.

tamping ground n. 1. One's customary environment. 2. A favor-

stamp mill n. 1. A machine that crushes ore. 2. A building in which

stance (stans) n. [OFr. estance, position < Ital. stanza < VLat. \*stan-21 < Lat. stare, to stand.] 1. a. The attitude or position of a standing erson or animal. b. The position assumed by an athlete directly prearatory to action. 2. An emotional or intellectual position.

stanch' also staunch (stönch, stänch) vt. stanched, stanching, stanchees also staunched, staunching, staunchees. ME stanchen < OFr. estanchier < VLat. \*stanticare < Lat. stans, paper. of stare, to stand.] 1. To stop or check the flow of 2. To check the flow of blood from (a wound). 3. To stop or prevent the progress of the flow of blood from (a wound). flow of blood from (a wound). 3. To stop or prevent the progress of. \_stanch'er n.

stanch<sup>2</sup> (stônch, stānch) adj. var. of staunch<sup>1</sup>. stan-chion (stăn chən, -shən) n. [ME stanchon < OFr. estanchon < stance. prop. - see STANCE. I. An upright pole, post, or support. 2.
One of the vertical posts used to secure cattle in a stall. - vt. chioned, -chion-ing, -chions. 1. To equip with stanchions. 2. To confine (cattle) in stanchions.

stand (stănd) v. stood (stood), stand•ing, stands. [ME standen < Us standan.] — vi. 1. a. To take or maintain an upright position on the feet. b. To be placed in or maintain an erect position. c. To grow ma vertical direction. 2. To assume a standing position in a manner specified <stand straight> 3. To point or range in hunting. 4. To be equal to a specified height when erect < stands five feet tall > 5. To emain valid, intact, or unchanged < The rule still stands on the books. > 6. To have a specified position, expectation, or opportunity stand to gain > 7. To be situated or placed. 8. To be in a specified dass or degree: RANK < stood second in the class > 9. To remain in a attionary position. 10. a. To remain without movement, flow, or dismance. b. To stagnate. 11. To take up or keep to an attitude, contiction, or course < stand fast> 12. Chiefly Brit. To be a candidate for public office. 13. To take or hold a particular course or direction on the whet < a ship standing to windward> -vt. 1. To cause to stand: place upright. 2. To encounter: meet < stand battle> 3. a. To resist: withstand b. To tolerate: endure <an't stand the tension > 4. To be subjected to: UNDERGO <stand trial > 5. Informal. To pick up the check for: TREAT < stand a friend to a drink > - stand for. To rep assent: symbolize. — stand in. To act as a stand-in. — stand off.

1. To maintain a distance from. 2. To fail in or deny compliance or greement. 3. To put off: evade. 4. To take or maintain a course away from shore. — stand out. To refuse compliance. — stand up. 1. To assume a standing position: RISE. 2. To prove valid, satisfactory, or duable. 3. Informal. To fail to keep an appointment with someone (My date stood me up.>-n. 1. The act of standing. 2. A halt. 3. Cessation of work or activity: STANDSTILL. 4. A stop on a performance was booked for a series of one-night stands > 5. The place where we stands. 6. A small booth or stall for goods for sale. 7. A space reeved for taxis. 8. A desperate or decisive halt for defense or resisunce. 9. A position one is prepared to defend <take a stand> 10. stands. The bleachers at a playing field or stadium. 11. A witness and 12. A rack or framework for holding various articles <a music stand> 13. A growth of plants or trees <a stand of maples> - stand chance. To have a chance of gaining or accomplishing. -stand (one's) ground. To hold one's position. —stand to reason. To be consistent with reason. — stand'er n. stand-a-lone (stand'a-lôn') adj. Of, relating to, or being a device

that can function independently <a stand-alone computer>
standard (stan'dard) n. [ME < OFr. estandard, rallying place, of manic orig.] 1. A flag, banner, or ensign, specif.: a. The ensign of a the of state, nation, or city. b. A long tapering flag bearing the disimitive device of a person or corporation. c. The colors of a mounted of motorized military unit. 2. a. An accepted measure of comparison or quantitative or qualitative value: CRITERION. b. An object that unas specified conditions defines, represents, or records the magnitude a unit. 3. The proportion by weight of gold or silver to alloy metal that has been set for use in coinage. 4. The commodity used as the use for a monacular value of a proportion of the commodity used as the use for a monacular value of a proportion of the commodity used as the use for a monacular value of the commodity used as the use for a monacular value of the commodity used as the use of the commodity used as the used to use of the commodity used as the use of the used the use of the used the use of the ass for a monetary system. 5. A pedestal, stand, or base. 6. Bot. a. The large upper petal of the flower of a pea or related plant. b. One of narrow upright petals of an iris. 7. A shrub or plant trained to grow with a single stem of limited height. — adj. 1. a. Serving as a standard

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of measurement or value. b. Commonly used and accepted as an authority <a standard text in the field of economics > c. Of average but acceptable quality. d. Of normal or prescribed size or quantity. 2. Constan-dard-bear-er (stan'dərd-bar'ər) n. 1. One that bears the col-

ors of a military unit. 2. One in the forefront of a movement.

stan-dard-bred (stan'dard-bred') n. One of an American breed of

horses developed for harness racing. standard candle n. A candela.

standard deviation n. Statistics. 1. The square root of the variance. 2. A statistic used as a measure of dispersion in a distribution, the square root of the arithmetic average of the squares of the devia tions from the mean.

Stan-dard English (stan dord) n. The variety of English that is most widely accepted as the spoken and written language of educated speakers in formal and informal contexts and is characterized by generally accepted conventions of spelling, grammar, and vocabulary while admitting some regional differences, esp. in pronunciation and

standard gauge n. 1. A railroad track that is 56½ inches wide. 2. A railroad or railroad car that meets standard gauge specification. stan-dard-ize (stan'dər-diz') vt. -ized, -iz-ing, -iz-es. To cause to be in agreement with a standard. —stan'dard-i-za'tion n.

standard of living n. A measure of the goods and services affordable by and available to a person or a country.

standard operating procedure n. An established procedure to in a given situation.

standard time n. The time in any of 24 time zones, usu. the mean solar time at the central meridian of each zone.

**stand-by** (stand'bi') n, pl. -bys. 1. One that can always be depended on. 2. A favorite or frequent choice. 3. a. One kept in readiness to serve as a substitute. b. Readiness to serve as a substitute <was on

standby for a flight to London>
standby for a flight to London>
stand-ee (stān-de') n. An occupant of standing room.
stand-in (stānd'in') n. 1. One who substitutes for an actor during lights and camera adjustments. 2. A substitute.

standing (stăn'ding) n. 1. The act or position of one that stands. 2. Standing room. 3. a. Status with respect to achievement or reputation. b. High reputation: esteem <a person of standing in the community> A Length of time: DURATION.—adi. 1. Remaining upright: ERECT. 2. Made or performed from an upright position <standing jumps> 3. Permanent and unchanging <a standing order> 4. Not movable: STA-TIONARY. 5. Not flowing or circulating: STAGNANT.

standing army n. A permanent army of paid soldiers.

standing crop n. The total amount of living organisms in a specific area at a given time.

standing room n. Space in which to stand, as at a performance for which all seats are filled.

standing wave n. A wave in which the amplitude of the resultant of a transmitted and a reflected wave is stationary in time and in which some of the energy of the transmitted wave is absorbed by the reflecting boundary

stand-off (stand'of',  $\cdot$ of') n. A standoff insulator. stand-off (stand'of',  $\cdot$ of') n. 1. A tie in a race or contest: DRAW. 2. A neutralizing or counterbalancing effect.

standoff insulator n. An insulator used to support a conductor a

specified distance from a surface.

stand-off-ish (stand-o'f ish, -of'ish) adj. Unsociable: aloof.

stand oil n. A drying oil, as linseed, tung, or soya, heated until thickened and used in oil enamel paints.

stand-out (stand'out') n. One that is outstanding.

stand pipe (stand pip') n. A large vertical pipe into which water is

pumped in order to produce a desired pressure. stand-point (stand'point') n. [Transl. of G. Standpunkt.] A position from which things are considered or judged: POINT OF VIEW.

St. An-drew's cross (sant' an'drooz) n. [After the apostle St. Andrew (d. ca. A.D. 60).] 1. A cross shaped like the letter X. 2. A shrubby New World plant, Ascyrum hypericoides, with four-petaled yellow

stand·still (stånd'stil') n. A halt < The work on the project came to a standstill.>

**stand-up** or **stand-up** (stand'ūp') adj. 1. Erect: upright. 2. Taken standing <a standup supper> 3. Of or designating a performance staged without costume, props, or assisting persons <a standup co-

Stan-ford-Bi-net scale (stan'fard-bi-na') n. [After Stanford University, California.] A revision of the Binet-Simon scale used in one form or another since 1916.

stang (stang) v. Obs. var. p.t. of sting. stan-hope (stăn'hop', stăn'əp) n. [After the Rev. Fitzroy Stanhope (1787–1864).] A light carriage having one seat and two or four wheels.

stank (stangk) v. var. p.t. of stink. stan.nic (stan'rk) adj. [Prob. < Fr. stannique < LLat. stannum, tin < Lat., an alloy of silver and lead.] Of, relating to, or containing tin, esp. with valence 4

stannic chloride n. A colorless caustic liquid, Na2SnCl6H2O, made from tin treated with chlorine and used in making textiles, sensitized papers, and perfumes.